

DECLARATION OF MICHAEL POTTER

I, Michael Potter, declare under oath that I have personal knowledge of the following facts and can testify to them, if called upon to do so:

1. My name is Michael Potter, and I currently work for Lincare Inc. (“Lincare”) as Regional Vice President and have been in this position since January 2021. Before that, I was worked as a Regional Manager responsible for overseeing a number of Lincare Areas, and centers. In April 2019, I became responsible for the center located in Austin, Texas (the “Austin Center”).

2. I am over 21 years old, and I am a resident of Rockport, Texas. I have personal knowledge of all matters set forth herein, and I am competent to give this statement.

3. Brittany Hudson was a Sales Representative at the Austin Center when I assumed responsibility for the center. Sales Representatives spend the majority of their work day in the field visiting doctor’s offices, clinics, and other referral sources.

4. Ms. Hudson’s commission structure required her to complete five different requirements in order to earn commission a sale: (1) the patient is set up; 2) the patient is qualified for insurance coverage that will pay Lincare on assignment for the specified therapy; 3) the initial date of service is booked to accounts receivable; 4) the earning Sales Representative personally obtains all other billing prerequisites; and 5) the earning Sales Representative has completed timely the Salesforce entries for the sales calls.

5. Ms. Hudson never reported to me that she was not paid certain commissions when she worked at the Austin Center.

6. Ms. Hudson had difficulty meeting her sales goals and tracking her commissions. Ms. Hudson routinely failed to track her sales calls into the Salesforce application, which was

required. I spoke to Ms. Hudson about her failure to track her sales calls on multiple occasions and how this could impact her financially because she would not earn commissions on sales she did not log. Ms. Hudson was well aware of this. In August 2019, I learned that Ms. Hudson had not entered any sales calls into Salesforce since the beginning of July. I spoke to her about this on August 2, 2019. On August 8, 2019, I noticed Ms. Hudson still had not logged any sales calls into Salesforce and spoke with her again, stressing she would be issued disciplinary action if this was not done soon.

7. Ms. Hudson never entered her sales calls as I instructed and she resigned the next day, August 9, 2019. I've attached an e-mail I sent to HR Business Partner, Juanita Lichtenberg, on August 9, 2019, explaining Ms. Hudson's failure to track her sales calls. (See **Exhibit 1.**)

8. In order to earn a commission on a sale, Ms. Hudson was required to track the sales call in Salesforce. Therefore, Ms. Hudson would not have earned any commissions during the time period she refused to track her sales calls.

I have read my entire statement carefully. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge.

Executed on this 14th day of October, 2021.



Michael Potter

Lichtenberg, Juanita (jlichten)

From: Potter, Michael (MPotter1)
Sent: Friday, August 09, 2019 11:51 AM
To: Lichtenberg, Juanita (jlichten)
Subject: RE: Notice of leave
Attachments: Hudson SF August.xlsx

Brittany Hudson has logged no sales calls since early July. Attached report is for August.

Over the past several weeks Brittany was sending me a text at the end of every day letting me know how many calls were completed for the day and how many set ups. I run reports periodically to check calls throughout the week. On several occasions I contacted Brittany via text or phone and told her she was not logging calls and to complete. She indicated she was having phone issues on one of the calls and stated she would log them on the PC. (They were not completed). On Friday 8/2 we spoke again and she stated she would have them logged before end of business. (They again were not completed). On 8/8 I ran a report and called Brittany and stated there were still no calls logged. She stated she was aware and said she would complete. I told her that for the last few weeks she had been telling me the same thing and I was looking for a commitment she was going to get them done. She stated she understood and would have them completed before the end of business. I stressed to her that if calls were not updated I would be forced to put in a formal action plan. She stated she understood; however she did not seem concerned.

I then addressed an outstanding balance on the AMEX card. I asked if she was behind on expense reports and she said yes. I then asked if any of the expenses were personal and she said yes there was some fuel charges. I told her to get her reports completed and her AMEX also need to be caught up and current. She again agreed.

On 8/8 after the call with Brittany I requested from Ryan Corl a copy of Brittany's Motus report to see where she is spending her time since I have no sales calls logged to view. (report is still pending.

On 8/8 at 7:30 pm is had still not received a daily update from Brittany on Sale Calls and setups and I sent a text asking if any calls were completed. She responded with in 15 minutes with 15 calls and an INR. I congratulated her on the INR.

8/9 Received Brittany's resignation.

From: Lichtenberg, Juanita (jlichten)
Sent: Friday, August 09, 2019 9:10 AM
To: Potter, Michael (MPotter1) <MPotter1@lincare.com>
Subject: RE: Notice of leave

Mike, can you please call me when you have a minute?

Juanita Lichtenberg
 HR Business Partner

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From: Hudson, Brittany (BHudson1)
Sent: Friday, August 09, 2019 9:46 AM
To: Lichtenberg, Juanita (jlichten) <JLichten@LINCARE.com>

Cc: Mike Potter (AHOM) <Mike.Potter@ahom.com>; Greenway, Casey (CGreenwa) <CGreenwa@secure.lincare.com>
Subject: Notice of leave

On June 21, 2019, I made a formal complaint to Human Resources about racial discrimination and harassment that I experienced. On **July 2, 2019** and July 5, 2019 I made another complaint to Human Resources about racial discrimination and harassment I experienced. Despite my complaints, this harassment has continued. The harassment and hostile work environment has made it impossible for me to work here, and perform my job duties. The harassment and hostile work environment has caused me anxiety, stress, and depression and has forced me to seek counseling.

As a result, today is my last day in the Austin, Texas office. Per company guidelines I'm supposed to receive my commissions up to 30 days after I leave the company. Today, August 9, will be my last day. Please forward my commissions (Bhudson1 commission account) and check for the next 2 sale cycles which equal 30 days to My address on file.

Brittany Hudson